IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 133 OF 2003

IN

SUM. SUIT NO. 3261 OF 2002

Air Force Group Insurance
Society .. Plaintiffs.

vs.

Pravin V. Sheth & Ors. .. Defendants.

Ms. Soma Singh for plaintiffs.
Mr. D.H. Mehta for defendant.

CORAM : S.U. KAMDAR, J.
DATE : 16th August, 2005.

P.C.

. The present suit is filed for recovery of the sum of Rs. 1,77,93,783/- with interest at the rate of 14% per annum. It has been put in a fixed deposit by the plaintiff society with the company known as M/s. Bharat Pipes and Fittings Limited. It is an admitted position as mentioned in page 25 that the said fixed deposit matured on 10.8.1996. It is an admitted position that the claim as against the defendants is for the first time raised under

the Advocate's notice dated 23.4.2001. However, the cause of action to recover the amount arose on 10.8.1996, which was the date of maturity. There is no part payment acknowledgement. In the circumstances aforesaid, unconditional leave to defend is granted to the defendant.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.